

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAMIEN JERMAINE GIBSON,
#81595,

Plaintiff,

vs.

SDCC, *et al.*

Defendants.

2:13-cv-01379-MMD-PAL

ORDER

Following the filing of last known address information regarding the sole remaining defendant, this prisoner civil rights action shall proceed forward.

IT THEREFORE IS ORDERED THAT:

1. Upon the Court's finding that plaintiff is unable to pay a substantial initial partial filing fee, the application (#1) to proceed *in forma pauperis* is GRANTED, subject to the remaining provisions herein. Plaintiff shall not be required to pay an initial partial filing fee. However, even if this action is dismissed, plaintiff still must pay a full \$350.00 filing fee pursuant to 28 U.S.C. § 1915(b)(2).
2. Plaintiff is permitted to maintain this action to a conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting *in forma pauperis* status shall not extend to the issuance of subpoenas at government expense.
3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada,

1 20% of the preceding month's deposits to plaintiff's account (in the months that
2 the account exceeds \$10.00) until the full \$350.00 filing fee has been paid for
3 this action. The Clerk shall **SEND** a copy of this order to the Finance Division
4 of the Clerk's Office. The Clerk shall also **SEND** a copy of this order to the
5 attention of the **Chief of Inmate Services for the Nevada Department of**
6 **Corrections, P.O. Box 7011, Carson City, NV 89702.**

7 4. The stay previously entered herein is lifted.

8 5. The United States Marshal Service ("USMS") shall use the information provided
9 in the Attorney General's Submission (Dkt. #10) to attempt to serve the
10 summons and Complaint on Defendant Aaron Parker. The USMS shall provide
11 Plaintiff with a Form USM-285 (without listing Defendant Parker's address)
12 indicating whether service was effected.

13 6. Plaintiff shall file the Form USM-285 within ten days after receiving it from the
14 USMS.

15 7. If the USMS is unable to serve Defendant Parker, and Plaintiff wishes to have
16 service attempted again, a motion must be filed with the court specifying a more
17 detailed name and/or address for Defendant Parker, or requesting that some
18 other manner of service be attempted. Pursuant to Rule 4(m) of the Federal
19 Rules of Civil Procedure, service must be accomplished within 120 days
20 from the date this Order is entered.

21 DATED: June 27, 2014

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25 PEGGY A. LEEN
26 United States Magistrate Judge
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